

**REMARKS**

Claims 1-5 are pending and under consideration.

**FUJISHIMA ET AL. NOT AVAILABLE AS A REFERENCE FOR A REJECTION 35 U.S.C. §102(e)**

The Examiner rejects claims 1-5 under 35 U.S.C. §102(e) as being anticipated by Fujishima et al. (U.S.P. 6,781,197).

Applicant respectfully submits that Fujishima '197 is not available as a reference for a rejection under 35 U.S.C. §102(e) since the present application has an earlier effective filing date.

The present application has a 35 U.S.C. §119 priority date of May 30, 2001, while the U.S. filing date of Fujishima '197 is March 21, 2002.

As set forth in MPEP §2136.03 "applicant may be able to overcome the 35 U.S.C. 102(e) rejection by proving he or she is entitled to his or her own 35 U.S.C. 119 priority date which is earlier than the reference's U.S. filing date."

In accordance with 37 CFR §1.55(a), an English language translation of the Japanese priority document Application No. 2001-162384 filed May 30, 2001, together with a statement that the translation of the same is accurate, is provided concurrently herewith.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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